

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

VIRGINIA BARRERA,
Plaintiff,

V.

CIVIL ACTION NO. 5:10-CV-665 XR

MTC, INC. d/b/a
MI TIERRA CAFÉ AND BAKERY,
Defendant.

AFFIDAVIT OF GEORGE P. CORTEZ

STATE OF TEXAS
COUNTY OF BEXAR

BEFORE ME, the undersigned party, on this day personally appeared George P. Cortez,
being known to me on his oath deposed and said as follows:

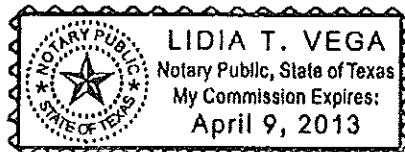
1. "My name is George P. Cortez. I am over 21 years of age and have never been convicted of a felony or of any crime involving moral turpitude. I am of sound mind and capable of making this Declaration. The facts stated herein are true and correct and are based on my personal knowledge:
2. "I am presently the Chief Operating Officer for MTC, Inc. ("MTC").
3. "MTC owns and operates the restaurant Mi Tierra Café and Bakery ("Mi Tierra") in the Market Square (El Mercado), in San Antonio, Texas.
4. "Servers are paid weekly, and their paystub for each week includes a deduction equal to \$2.79 plus tax per day (which totals \$3.02) that each server works four (4) or more in a shift.

5. "The deduction for a meal is mandatory and is taken by Mi Tierra as payment for the cost of an average meal, regardless of whether the employee actually eats a meal, and beverages made available to employees throughout their shifts.
6. "The deduction taken by Mi Tierra does not include any profit to Mi Tierra
7. "If an employee notifies Mi Tierra that they have not eaten a meal and requests that they not be charged, Mi Tierra will not take the deduction for the meal.

Further, Affiant sayeth not.

George P. Cortez
George P. Cortez

SUBSCRIBED and SWORN to before me on this the 9th day of September,
2011, to which witness my hand and official seal.



Lidia T. VEGA
Notary Public, State of Texas